

REMARKS

Claims 1, 3-5, 7-10 are pending. Claims 2 and 6 are cancelled. Claims 9 and 10 have been added. Claims 1, 7 and 8 are independent. No claim fees are applicable as a result of this amendment.

Support for new claims 9 and 10 are found in par. [0012] of the published application (see middle of paragraph for support that release lever is "pivotally mounted" to the latching mechanism).

Claim Rejections – 35 USC 112

The Examiner rejected claims 1, 7 and 8 under 35 USC 112 on the basis that the independent claims omitted as essential elements a counterweight and an element such as a spring for returning the inertia lever to an original position so that it can be automatically toggled. In response to this objection, applicant has added a counterweight and where applicable a biasing element to each of the pending independent claims. Applicant reserves the right to traverse this objection at a later time.

The Examiner also rejected claims 1, 7 and 8 under 35 USC 112 on the basis that the engagement between the release lever and latch hook is "unclear". The Examiner suggested that perhaps a pawl may be necessary between for function between the release lever and latch hook. Applicant respectfully traverses this objection. In the amended independent claims the relationship between the release lever and the latch hook is adequately described as "operatively connected" such that when the release lever is actuated, the latch hook is moved "from said locked position to said unlocked position". The invention is not limited to any specific latch, each of which may utilize a different opening mechanism (not necessarily a pawl) or chain of levers between the release lever and latch hook to accomplish the function of moving the latch hook into the unlocked

position upon actuation of the release lever. As such Applicant respectfully submits that a pawl is not an essential element of the invention and the language as presently worded is sufficient to enable one skilled in the art to understand the operating relationship between the release lever and the latch hook.

The Examiner also rejected claims 1, 7 and 8 under 35 USC 112 on the basis that the normal operation of the latch is not described in the claims so that there is not a clear understanding of the movement and differing position of the inertial lever during a side impact. Applicant has amended the independent claims to recite, for example, that "in a normal operating condition said inertia lever is aligned with said slot to allow actuation of said release lever" and "said inertia lever includes a counterweight portion for moving said inertia lever out of alignment with said slot and into blocking engagement with said release lever in response to a side impact upon the vehicle". Applicant trusts that these amendments have clarified the situation.

The Examiner rejected claims 2-3 and 8 under 35 USC 112 on the basis of the seeming confusion that in normal operation the inertia lever is both in engagement and out of engagement with the release lever. Claim 2 has been cancelled, and it should now be clear in view of the claim amendments that in normal operation the slot of the release lever is "aligned with" the inertia lever and as the release lever moves its slot engages the inertia lever.

Claim Rejections – 35 USC 103(a)

The Examiner rejected claims 1-5 and 7-8 under 35 USC 103(a) as being unpatentable over Koeppen DE 197 38 492.

As a preliminary matter Applicant respectfully submits that the Examiner appears to have misunderstood the Koeppen device. Although Applicant does not have a formal translation of this document, one of Applicant's latch designers is capable of understanding German and explained the Koeppen device to the undersigned as follows:

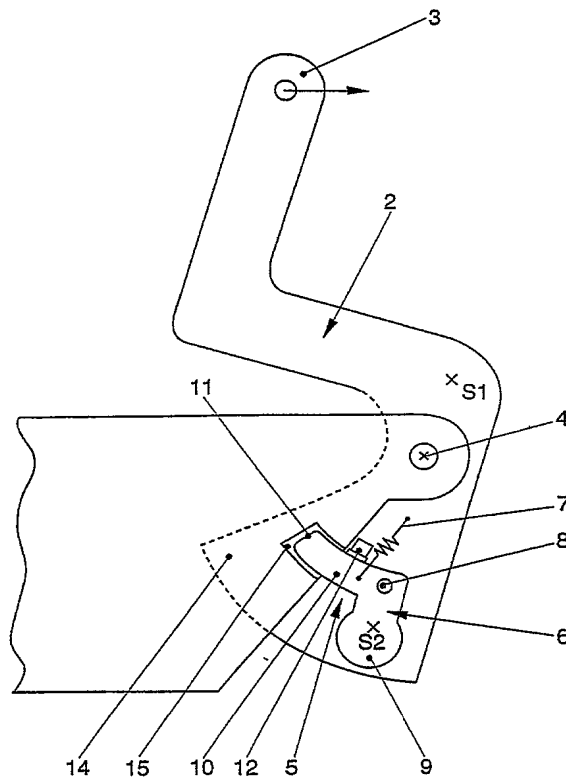
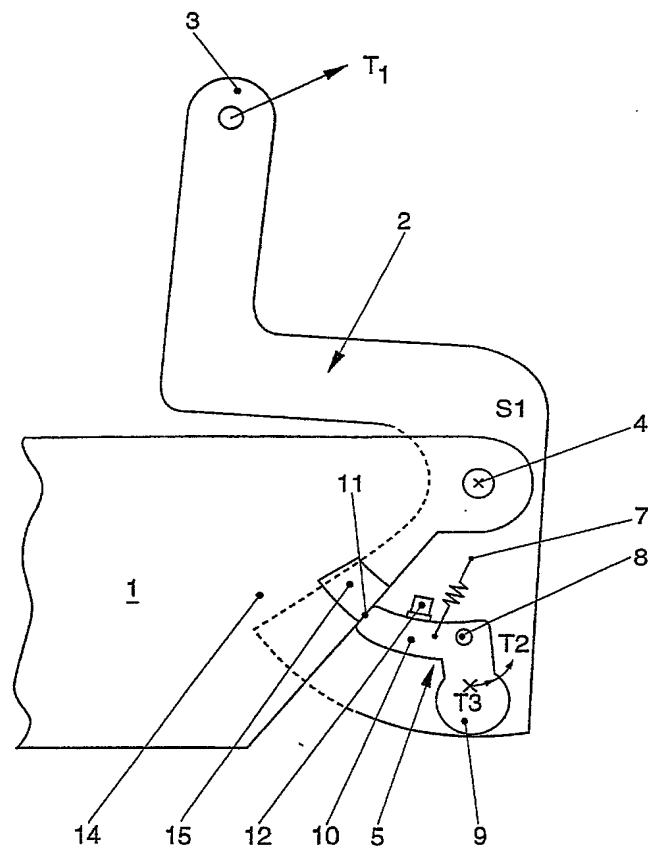


Fig. 2 of Koeppen reproduced above illustrates how the device works in normal operation. Lever 2 is the “pivot” lever which functions as the latch release lever. Part 14 is a stop fixed to the housing 1. Housing 1 does not move or pivot. The pivot lever 2 includes a stop component 6. In normal operation, leading edge 11 of the stop component 6 is biased by spring 7 to be aligned with slot 15 in stop 14 and as the pivot lever 2 rotates the leading edge 11 of stop component 6 swings into the slot 15. Upon sudden impact, the stop component 6 moves somewhat from its initial biased position so that its leading edge 11 is no longer aligned with the slot 15, as will be seen from Fig. 3 reproduced below, thus prohibiting the pivot lever 2 from moving.



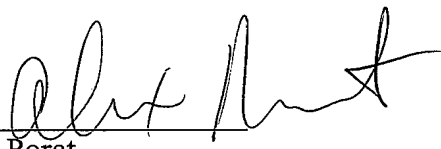
Furthermore, it should be clear from the description and Koeppen's drawings that in normal operation leading edge 11 of stop component 6 fits smoothly into slot 15 and there is no automatic toggling of stop component 6, housing 1 (which is fixed in any event) or pivot lever 2 as the pivot lever 2 is actuated to release the latch.

Accordingly, the Koeppen device does not demonstrate or remotely suggest the structure claimed in the independent claims of a **release lever slot presenting sides for engaging a portion of an inertia lever for automatically toggling the inertia lever** away from its biased position **in response to movement of the release lever** to prevent seizing of the inertia lever within the latch mechanism.

The allowance of the dependent claims flows from the patentability of the independent claims.

In view of the foregoing, the applicant respectfully submits that the application is in condition for allowance and requests that a timely Notice of Allowance be issued. Please do not hesitate to contact the undersigned should any questions arise concerning this application.

Respectfully Submitted,



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